

REMARKS

Reconsideration of the rejections set forth in the Office action mailed May 1, 2007 is respectfully requested. Claims 35-44 are currently pending. Claims 1-33 were cancelled previously, and claim 34 is cancelled with this amendment.

I. Amendments

Claim 44 has been redrafted in independent form, and claims previously dependent on claim 34 have been amended to depend from claim 44. Claim 34 has been cancelled.

No new matter is added by any of the amendments.

II. Allowable Subject Matter

Claims 38 and 39 were found allowable.

Claims 42-44 were objected to as being dependent on a rejected base claim (34), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

III. Rejections under 35 U.S.C. §102(e)

Claims 34-36, 40 and 41 were rejected under 35 U.S.C. §102(e) as being unpatentable over Villeponteau *et al.*, U.S. Patent No. 5,776,679.

Claim 34 has been cancelled, rendering the rejection of this claim moot. Claims 35, 36, 40 and 41 are now dependent on claim 44, which has been found free of the prior art (Office Action, pages 13-14). Because these claims include all the limitations of claim 44, they should also be found free of the prior art.

The applicants therefore request that the rejections under 35 U.S.C. §102(e) be withdrawn.

IV. Rejections under 35 U.S.C. §103(a)

Claims 34-37, 40 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Villeponteau *et al.*, U.S. Patent No. 5,776,679, in view of Nakamaye *et al.*, *Nucleic Acids Research* **16**:9947-9959 (1998).

Claim 34 has been cancelled, rendering the rejection of this claim moot. Claims 35-37, 40

and 41 are now dependent on claim 44, which has been found free of the prior art (Office Action, pages 13-14). Because these claims include all the limitations of claim 44, they should also be found free of the prior art.

In view of the foregoing, the applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. §103(a).

V. Conclusion

In view of the foregoing, the applicant submits that the claims now pending are now in condition for allowance. A Notice of Allowance is, therefore, respectfully requested.

Respectfully submitted,

/LeeAnn Gorthey/

Date: July 24, 2007

LeeAnn Gorthey
Registration No. 37,337

Correspondence Address:

PAYOR NUMBER 22918

Phone (503) 727-2116

Fax (650) 838-4350